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EXAMINER	
THIER, MICHAEL	

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2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/050,034	SIMAL, JAN	
	Examiner	Art Unit	
	Michael T. Thier	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/30/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive.

Applicant states in the first paragraph on page 2 of the remarks that "Examiner and Applicant concluded Swale discloses that real time means that charge information is sent just after the call ends."

The examiner would like to clarify that this is not the conclusion of the examiner. The rejection clearly states in the paragraph bridging pages 3 and 4 that, "...the Swale reference clearly shows that call charge information (i.e. the necessary number, charge band, and timing details) is sent as a message to the second exchange in real time (which is clear from the Swale reference since it happens while the call is in existence, i.e. real time...). Therefore the examiner clearly is stating that Swale teaches real time as meaning while the call is in existence.

However, the examiner did concede that Swale does not teach, "real time *charging*" (Swale only teaches sending charge information in real time), since the actual charging takes place after the call has ended, and for this reason the combination of Granberg and Swale was shown. (see page 4 "However, Swale does not specifically disclose that call charge information is for use in real time *charging* and...")

Therefore, the examiner has shown that Swale teaches call charge information being sent from the first exchange to the second exchange in real time, and Granberg teaches using call charge information for use in real time charging.

Applicant argues, "Granberg fails to teach the following: wherein call charges a rising...while the telecommunication link is in existence." In the paragraph bridging pages 2 and 3 of the remarks.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner never asserted that Granberg taught the entire limitation being argued from the remarks paragraph bridging pages 2 and 3. This limitation was shown in the combination of Swale and Granberg, where it was clearly shown that Swale actually taught the majority of this limitation. (see non final office action pages 2-4). Granberg was merely combined to show the limitations of using call charge information for use in real time ***charging*** and using ***Advice of Charge*** (AoC) parameters. (see first full par. on page 4 of the rejection).

Applicant further argues that, "Granberg does not disclose messaging from one party's exchange to another's exchange." And "Therefore Granberg does not show real-time charging being sent from a calling party to a called party as the examiner has asserted."

In response to applicant's argument, again the examiner would like to point out that the limitations being argued was shown in the combination of references. First,

Swale clearly shows messaging call charge information from one exchange to the other (i.e. messaging from one party's exchange to the other, which the applicant argues Granberg does not teach, and the examiner has shown that Swale teaches this limitation), as explained in the rejection page 3, where the examiner states:

> "The examiner is asserting that the instruction signal from exchange A to exchange B contains the necessary information to create the Call Detail Record, which information comprises of the necessary number, ***charge band***, and timing details (this reads on the call charge information sent as messages). This charge band information clearly reads on "call charge information" as cited in the claims, and this information is sent to the second exchange, as also recited in the claims. Therefore, the call detail record is created based on this call charge information sent from the first exchange to the second. Therefore, the Swale reference clearly shows that call charge information (i.e. the necessary number, charge band, and timing details) is sent as a message to the second exchange in real time (which is clear from the Swale reference since it happens while the call is in existence, i.e. real time, which shows the real time information offered to the called subscriber.)"

Next, for the argument that "Granberg does not show real-time charging being sent from a calling party to a called party as the examiner has asserted.", it is shown in the rejection that this limitation is explained by the combination of Swale and Granberg. Swale clearly teaches real time call charge information being sent from the calling party to the called party (seethe cited passage from the non final rejection directly above), and Granberg teaches using call charge information for use in real time charging. Therefore, the combination shows "call charge information is sent as messages to the second telecommunications exchange such that call charge information is configured for use in real time charging..." as claimed.

Applicant further argues, that no person of ordinary skill in the art would have been motivated to even consider Granberg's disclosure of AoC and real-time charging in combination with Swale.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner asserted that the motivation for doing so would have been for the purposes of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34).

Further the applicant argues that Granberg teaches away since he mentions that it is impossible for the visiting MSC currently serving the roaming mobile to calculate the total cost of the incoming call. However, this citation of Granberg was being explained to be a problem with the prior art and it was an object to overcome using the present invention of Granberg. Therefore, Granberg is not teaching away from the invention, but solving a problem that would allow for the invention to work properly and allow for AoC services to be efficiently provided to mobile subscribers.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 6-9, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Granberg (6,195,543).

Regarding claims 1 and 9. Swale teaches a system and method for providing call charge information in a telecommunication link between a calling subscriber (party A, fig. 3) and a called subscriber (party B, fig. 3), comprising a first terminal connected to a first local telecommunication exchange (party A connects to LEC A, fig. 3); and a second terminal connected to a second local telecommunication exchange (party B connects to LEC B, fig. 3), wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as message to the second telecommunication exchange such that the call charge information is configured for use in real time charging while the telecommunication link is in existence (col. 5, ln. 28 to col. 6, ln. 40; figs. 2-3). Swale teaches: Steps 154, 156: exchange A responds to the acceptance by instructing exchange B to set up its own Call Detail Record for the call, naming party B as the calling party: this signal [i.e., the instructing signal from exchange A] will contain the necessary number, *charge band* and timing details as exchange B will not previously have recorded such information. Exchange B then reacts by creating the Call Detail

Record in its own store 13. (Alternatively, if the network is set up to permit an exchange to create charges for other exchanges, exchange A could set up the new record, as in the case of FIG. 2). Exchange B only stores the CDR in its own storage 13. However, the charge band (i.e. which reads on call charge information) is sent from exchange A, as indicated in the cited portion above. The examiner is asserting that the instruction signal from exchange A to exchange B contains the necessary information to create the Call Detail Record, which information comprises of the necessary number, ***charge band***, and timing details (this reads on the call charge information sent as messages). This charge band information clearly reads on "call charge information" as cited in the claims, and this information is sent to the second exchange, as also recited in the claims. Therefore, the call detail record is created based on this call charge information sent from the first exchange to the second. Therefore, the Swale reference clearly shows that call charge information (i.e. the necessary number, charge band, and timing details) is sent as a message to the second exchange in real time (which is clear from the Swale reference since it happens while the call is in existence, i.e. real time, which shows the real time information offered to the called subscriber.) Swale further teaches (from claim 9) the ideas of sending an acknowledgement signal for the acceptance of call charges by the called subscriber in column 6 lines 13-20, and terminating the link based on the call charge information in column 5 lines 60-62 and column 3 lines 18-24.

However, Swale does not specifically disclose that the call charge information is for use in real time *charging* and the use of an Advice of Charge (AoC).

Granberg teaches the use of the well-known Advice of Charge (AoC, column(s) 3, line(s) 35 through column(s) 4, line(s) 15) for the purpose of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34). He further discloses the idea of call charge information being used in real time charging in column 3 lines 39-46. see where it is explained that the AoC parameters are determined and sent to the node currently serving the mobile. The mobile then receives the AoC parameters from the node and a cost for the call is displayed to the mobile subscriber. This all happens while the call is in place, thus the call charge information is used in real time charging.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Granberg into the teachings of Swale. The motivation for doing so would have been for the purposes of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34).

Regarding claims 6 and 14. Swale further teaches the call charge information sent creates a call charge account for the called subscriber in real time (col. 5, ln. 65-67).

Regarding claims 7 and 15. Swale further teaches the call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber (fig. 3, col. 5, ln. 41 to col. 6, ln. 20).

Regarding claims 8 and 16. Swale further teaches the call charge information sent indicates the call charges on a display device of the second terminal, while the telecommunication link is in existence (col. 8, ln. 26-34).

4. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 1 and 9 above, and further in view of Lampola (6,668,052).

Regarding claims 2 and 10. The combination of Swale and Granberg teach the limitations of the previous claims. Swale further teaches that the call charge information is sent to the second telecommunication exchange (column(s) 6, line(s) 40 to column(s) 7, line(s) 35).

However, Swale and Granberg do not teach that the call charge information is sent to the second telecommunication exchange as APM ISUP message to utilize services and service attributes.

Lampola teaches the use of APM ISUP message in conjunction with call setup from the first exchange to the second exchange (col. 5, ln. 62 to col. 6, ln. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lampola into the teachings of Swale and Granberg. The motivation for doing so would have been to provide a new type of method and system for signaling used for call setup that enable cooperation between different type of networks in a manner transparent to the user, so that the user will perceive it as consistent cooperation regardless of the system to which the terminal equipment is connected. (Lampola column 3 lines 5-15)

Regarding claims 3 and 11. Lampola further teaches the content of the APM ISUP message is determined by APPs (col. 5, ln. 62 to col. 6, ln. 7).

5. Claims 4-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 3 and 11 above, and further in view of Fabritius et al (6,345,182).

Regarding claims 4-5 and 12-13. The combination of Swale, Granberg, and Lampola teach the limitations of the previous claims. Lampola further teaches the APPs comprise an application-independent part that includes information on the APM ISUP message (col. 5, ln. 62 to col. 6, ln. 7).

However, Swale, Granberg, and Lampola do not teach that the APPs comprise an application-dependent part that includes information on call charge information.

Fabritius teaches the APPs comprise an application-dependent part that includes information on call charge information (col. 6, ln. 14-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fabritius into the teachings of Swale in view of Granberg and Lampola. The motivation for doing so would have been to provide method and system for the communication of tariff information from an external charge determination point to a mobile switching centre acting as charging point for a called mobile terminal, depending upon the classification of the call. (Fabritius column 2 lines 27-32)

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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